

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27404 of 2005

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Dated:28.12.2005

Between:

K.Bansilal, S/o.late K.Mohanlal,
r/o. H.No.10-1-190, Tapovan colony, Saroornagar Hyderabad.

..... PETITIONER

AND

Hyderabad Municipal Corporation, rep.by its Commissioner & Special
Officer, Tank Bund Road, Hyderabad, and another.

.....RESPONDENTS

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ORDER:

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The petitioner is a differently abled person, who was allotted STD Booth at the footpath at Lakdikapool, near C.I.D Office gate. When there was a threat of eviction by the respondents, the petitioner filed a writ petition, being W.P.No.10363 of 1997. By an order, dated 25.11.2004, this Court disposed of the writ petition directing the second respondent and another to pass appropriate orders on the representation made by the petitioner on 19.04.1997. After disposal of the writ petition, no further action was taken. However, in January 2005, the Circle Inspector of Police (Traffic) visited the petitioner's Telephone Booth and allegedly removed the telephone instrument, asking the petitioner to shift the Telephone Booth. Again the petitioner filed W.P.No.2474 of 2005 seeking a writ of Mandamus declaring the action of the Additional Commissioner of Police (Traffic), the Deputy Commissioner of Police (Traffic) and the Circle Inspector of Police (Traffic) in trying to remove the petitioner's Telephone Booth as illegal and arbitrary. This Court disposed of the said writ petition on 21.03.2005 observing that the petitioner shall not be compelled to shift

the Telephone Booth till the Municipal Corporation allots an alternative site. In this writ petition, it is alleged by the petitioner that on 20.12.2005 at about 11.30 am the demolition staff of the Hyderabad Municipal Corporation removed the Telephone without showing any alternative site. Therefore, he filed the present writ petition seeking a declaration that such action of the Municipal Corporation of Hyderabad (MCH) is illegal and arbitrary.

The learned Counsel for the petitioner placed reliance on the communication dated 11.02.2005 addressed by the Inspector of Police (Traffic), Saifabad, to the Commissioner of MCH, informing that three places have been selected for being offered to the petitioner for setting up Telephone Booth. These places are i) Moin Manzil, ii) Telephone Bhavan Bus Stand on the wall pavement of Commissioner & Director of School Education, and iii) Vishalandra Book Depot, Near Liberty Bus Stop. Learned Counsel submits that the respondent-Corporation did not take any action as per the communication of the Inspector of Police (Traffic), and removed the telephone and also made attempts to demolish the Telephone Booth. The matter was initially listed on 23.12.2005, and this Court directed the learned Standing Counsel to get instructions in the matter.

After getting instructions in the matter, the learned Standing Counsel submits that MCH is considering the feasibility of permitting the petitioner to setup the Telephone Booth (after duly shifting from the present place) at any of the three places suggested by the Inspector of Police (Traffic), P.S, Saifabad. However, the learned Counsel for the petitioner Sri Deepak Mishra, representing Sri Koka Raghava Rao, submits that the petitioner is willing to setup the Telephone Booth at Telephone Bhavan Bus Stand on the wall pavement of Commissioner & Director of School Education. The petitioner may give a representation to that effect, whereupon the respondents shall consider the same, and allow the petitioner to setup the Telephone Booth at new place as directed by this Court in W.P.No.2474 of 2005, dated 21.03.2005.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

28.12.2005

vs